

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. CV 22-4685-GW-PDx Date March 13, 2023

Title *New York Marine and General Insurance Company v. Amber Heard*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

Terri A. Hourigan

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

James P. Wagoner  
Nicholas H. Rasmussen  
Dianne M. Pitre  
Nicholas J. Boos

Kayla Robinson  
Owen A. Monkemeier

**PROCEEDINGS: PLAINTIFF AND COUNTER-DEFENDANT NEW YORK MARINE AND GENERAL INSURANCE COMPANY'S MOTION TO (1) DISMISS HEARD'S COUNTERCLAIM PURSUANT TO RULE 12(b)(6), OR (2) ALTERNATIVELY, FOR A MORE DEFINITE STATEMENT PURSUANT TO RULE 12(e), AND (3) TO STRIKE CERTAIN ALLEGATIONS PURSUANT TO RULE 12(f) [42]**

The Court's Tentative Ruling on Plaintiff/Counter-Defendant's Motion [42] was issued on March 9, 2023 [46]. Oral argument is held. The Tentative Ruling is adopted as the Court's Final Ruling. The Court will dismiss Heard's breach of contract counterclaim, likely without leave to amend. The Court will dismiss Heard's implied covenant counterclaim, with leave to amend. The Court need not resolve NY Marine's alternative request for a more definite statement, as that request appears to be moot. It denies NY Marine's alternative request to strike as to the language in paragraph 25 of the FACC, but grants that motion with leave to amend with respect to paragraphs 7-16 of the FACC, with the exception of the last bullet-point of paragraph 16, as to which the Court grants the motion to strike without leave to amend. Counsel for New York Marine is to file a proposed order forthwith.

Initials of Preparer JG

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